

MDEC Rules Overview

Rule	Area	Highlights
20-101	<ul style="list-style-type: none">Definitions	<ul style="list-style-type: none">Definitions for new terms included in the electronic rules.
20-102	<ul style="list-style-type: none">Overall Rule	<ul style="list-style-type: none">Rules apply only to the applicable county, Rule will list county and dates effective.All new actions, submissions and filings will be electronic.Existing Documents; Pending and Reopened will be scanned at the discretion of the courts.Appellate courts will receive an electronic record from the trial courts.
20-103	<ul style="list-style-type: none">Administration of MDEC	<ul style="list-style-type: none">The State Court Administrator is responsible for administering the system.
20-104	<ul style="list-style-type: none">User Registration	<ul style="list-style-type: none">Attorney's will use a unique number to identify them as such and insure they are members in good standing with the Maryland bar. (we will use the Client Protection Fund number to register and track attorney's).Attorney's who become disbarred, suspended, placed on inactive status or decertified will no longer be allowed to e-file as an attorney. They will have to file their withdrawal of appearance in paper form.

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20-105	<ul style="list-style-type: none">Judges; Judicial Appointees; Clerks; Judicial Personnel	<ul style="list-style-type: none">Each person will be issued an userid that will enable them to access the system to do their job.
20-106	<ul style="list-style-type: none">When Electronic Filing Required	<ul style="list-style-type: none">E-filing for attorney's is mandatory.Judges must use the system to "file" electronically all submissions in an affected action.SRL are voluntary however, if they register to e-file they are required to continue to e-file.If a party can not file electronically due to an unexpected event they can file in paper however, they must submit to the clerk an affidavit describing the event that prevents them from e-filing and when it will be restored.The Administrative Judge may permit, on a temporary basis, the registered user to submit in paper.Exceptions: oversized documents which can't be scanned, documents offered in open court, physical evidence.

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20-106	<ul style="list-style-type: none">When Electronic Filing Required	<ul style="list-style-type: none">Clerks shall immediately scan documents submitted in paper.The clerk shall destroy a paper submission after scanning and verifying the legibility.The State Court Admin. may approve procedures to return certain types of documents.
20-107	<ul style="list-style-type: none">Electronic Signatures	<ul style="list-style-type: none">There are 3 types of signatures:<ul style="list-style-type: none">A facsimile (signed document that is then scanned in)a typographical (/s/ affixed to the signature line of a submission above the typed name, address, email address and telephone number.A digital which applied to the document by the system when a password is applied.This rule outlines which signatures are valid for a filer, judge and clerk.
20-108	<ul style="list-style-type: none">Delegation of Authority to File	<ul style="list-style-type: none">Attorney's – may authorize someone in the attorney's office to file the signed submission electronically on their behalf.Judges – may authorize another staff member to file a document on their behalf after they have signed it.

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20-109	<ul style="list-style-type: none">Access to Electronic Records	<ul style="list-style-type: none">Attorney's or electronic parties in a case will be given full access, including remote access to all case records in that action (subject to protective orders).Judges and Judicial Appointees will have full access, including remote to all court records to the extent necessary to perform their duties.Judicial Personnel and Clerks – will have full access for their work areas.Public Access will not change remotely.
20-201	<ul style="list-style-type: none">Requirements for Electronic Filing	<ul style="list-style-type: none">Subsequent service shall contain a certificate stating that it was served electronically, in paper or both.Certificate of redaction.File 2 copies (locked and unlocked)Sealed submissionsProposed orders submitted in editable format.
20-202	<ul style="list-style-type: none">Effective Date of Filing	<ul style="list-style-type: none">Date received by the MDEC system, not the date accepted by the clerk.

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20-203	<ul style="list-style-type: none">• Clerk Review	<ul style="list-style-type: none">• E-filings will be docketed only when accepted by the clerk.• Clerk can correct errors of non-compliance that apply to form and language or docket entry.• Striking – at e-filing<ul style="list-style-type: none">• No signature• No certificate of service• No certificate of redaction• To Strike, the clerk will<ul style="list-style-type: none">• Reject the e-filing with reason• Enter a docket that submission was received and stricken with reason• Deficiency Notice<ul style="list-style-type: none">• If submission does not meet one of the above criteria but materially violates a provision or policy.• The clerk shall send the filer, with copies to other parties, a deficiency notice.• The court will take no further action on the submission until the deficiency is corrected or withdrawn.• If restricted information is found in a document it shall be Shielded and a deficiency notice sent. It shall remain shielded until deficiency is corrected.

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20-204	<ul style="list-style-type: none">• Notice of Filing Tangible Items	<ul style="list-style-type: none">• When a tangible item is filed, a registered user has 1 business day to file a "Notice of Filing Tangible Item".
20-205	<ul style="list-style-type: none">• Service	<ul style="list-style-type: none">• Original service of process remains the same.• Subsequent service can be done electronically if the party is a registered user.
20-206	<ul style="list-style-type: none">• Notice of Filing of Discovery Material	<ul style="list-style-type: none">• E-service
20-301	<ul style="list-style-type: none">• Content of Official Record	<ul style="list-style-type: none">• The electronic records is the official record.• Hyperlinks to external items is not part of the official record.
20-302	<ul style="list-style-type: none">• Duty to Retain Records	<ul style="list-style-type: none">• It is the e-filers responsibility to maintain all original documents and un-redacted documents until the case is concluded or for such longer period of time that is required by court order or applicable law.

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Chapter 400	<ul style="list-style-type: none">• Appellate	<ul style="list-style-type: none">• Defines the Appellate rules.• Mandatory e-filing for attorneys however, 8 copies of the brief, file extract or appendix shall be filed in paper form.• 2 paper copies will still need to be served to each party.
20-501	<ul style="list-style-type: none">• MDEC System Outage	<ul style="list-style-type: none">• Notice of date and time when e-filing became unavailable and when service is resumed will be posted.• Expiring time extended – If a court is inaccessible under this rule for any portion of the same day that the time for filing a submission expires, the time to file the submission electronically is automatically extended until the first full day, other than Saturday, Sunday or legal holiday, that the system is able to accept electronic filings.• Paper is accepted during this outage.
20-502	<ul style="list-style-type: none">• Removal to and Remand from the US District Court	<ul style="list-style-type: none">• The AOC will work with the US District Court to see if they would like to electronically transmit records.

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20-503	<ul style="list-style-type: none">Archival of Records	<ul style="list-style-type: none">The State Court Admin. and the State Archivist will attempt to develop a plan for transmitting electronic records.

This document is meant as a high level overview of the new Electronic Court rules, please read the rules in their entirety for a complete understanding of the changes.